

On March 26, 1923, the Powell Corp., Canandaigua, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel, a decree of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be emptied into barrels and labeled, "Cider Vinegar and Distilled Vinegar, Reduced to 4% Acidity."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11787. Adulteration and misbranding of canned oysters. U. S. v. 175 Cases, et al., of Oysters. Product ordered released under bond to be reconditioned. (F. & D. Nos. 17204, 17301. I. S. Nos. 8263-v, 8339-v, 8340-v, 8341-v. S. Nos. W-1299, W-1318.)

On January 30 and February 26, 1923, respectively, the United States attorney for the Eastern District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 625 cases of oysters, remaining unsold in the original unbroken packages at Spokane, Wash., consigned by the Dunbar-Dukate Co., from New Orleans, La., in part December 1 and in part December 30, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled variously, in part: "Net Contents 8 Ounces Oyster Meat. Pelican Brand Cove Oysters * * * Packed By Dunbar-Dukate Co. New Orleans, La. Biloxi, Miss.;" "High Tide Brand * * * Cove Oysters * * * Contents 5 Oz. Exclusive of Liquid;" "Pointer Brand * * * Cove Oysters * * * Net Contents 5 Oz. Oyster Meat * * * Packed By Dunbar-Dukate Co.;" "Blue Jay Brand * * * Oysters Net Contents 4 Oz. Oyster Meat * * * Packed By Dunbar-Dukate Co."

Adulteration of the article was alleged in the libels for the reason that excessive brine had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality.

Misbranding was alleged with respect to the Pelican brand oysters for the reason that the statement, "Oysters," was false and misleading and deceived and misled the purchaser in that the said statement represented that the cans contained a different article than was contained therein. Misbranding was alleged for the further reason that the article was offered for sale under the name of another article.

Misbranding was alleged in substance with respect to the remainder of the article for the reason that the statements appearing on the cans containing the article, "Net Contents 5 Oz." and "4 Oz. Oyster Meat," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 10 and July 16, 1923, respectively, the Powell-Sanders Co., the Roundup Grocery Co., and B. L. Gordon & Co., all of Spokane, Wash., having theretofore appeared as claimants for respective portions of the product, and the said product having been released under bond to the said claimants for the purpose of being relabeled, and it having appeared that the product had been reconditioned in conformity with law and that the costs of the proceedings had been paid, it was ordered by the court that the product be released and the bonds discharged.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11788. Adulteration and misbranding of canned oysters. U. S. v. 150 Cases of Oysters. Product ordered released under bond to be relabeled. (F. & D. No. 17306. I. S. No. 8284-v. S. No. W-1324.)

On February 26, 1923, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 150 cases of oysters, remaining in the original unbroken packages at Spokane, Wash., consigned by the Dunbar-Dukate Co., New Orleans, La., alleging that the article had been shipped from New Orleans, La., December 20, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Deer

Head * * * Oysters Net Contents 8 Oz. Oyster Meat Packed By Dunbar-Dukate Co. New Orleans, La.=Biloxi, Miss."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality.

Misbranding was alleged in substance for the further reason that the label appearing on each of the cans containing the article bore the statement that the said cans contained "8 Oz. Oyster Meat" which was false and misleading in that it represented that the said cans contained a different article than was therein contained. Misbranding was alleged for the further reason that by means of the said labeling the article was offered for sale under the name of another article.

On March 16, 1923, the McClintock-Trunkey Co., Spokane, Wash., having appeared as claimant for the property and having filed a bond in the sum of \$500, an order of the court was entered providing for the release of the product to be relabeled, and on July 10, 1923, it having appeared that the product had been reconditioned in conformity with the law and that the costs of the proceedings had been paid, it was ordered by the court that the product be released and the bond discharged.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11789. Misbranding and alleged adulteration of canned oysters. U. S. v. 350 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17537. I. S. Nos. 5180-v, 5326-v. S. No. C-3984.)

On or about May 17, 1923, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 350 cases of oysters at Kansas City, Mo., alleging that the article had been shipped by the Dunbar-Dukate Co., from New Orleans, La., on or about May 16, 1923, and transported from the State of Louisiana into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Buck Brand * * * Oysters Standard * * * Packed by Dunbar-Dukate Co. New Orleans, La.=Biloxi, Miss. * * * Net Contents 10 Ounces Oyster Meat."

Adulteration of the article was alleged in the libel for the reason that it had been mixed and packed with excessive brine, which said brine had been substituted wholly or in part for the said article so that its quality and strength had been reduced and lowered.

Misbranding of the article was alleged for the reason that the statement on the labels, "10 Ounces," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation and was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On August 23, 1923, the Dunbar-Dukate Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered finding the product to be misbranded, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11790. Adulteration and misbranding of coal-tar color. U. S. v. 2 Pounds, et al., of Coal-Tar Color. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14799, 14837, 15110. I. S. Nos. 3153-t, 3154-t, 3155-t, 4483-t. S. Nos. C-2968, C-2998, C-3097.)

On April 16, April 28, and July 6, 1921, respectively, the United States attorney for the Western District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on April 27, 1923, amended libels, praying the seizure and condemnation of 5½ pounds of coal-tar color, remaining in the original packages at San Antonio, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., in various consignments, on or about October 14 and